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EXAMINER

PM82/0822
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BUFFALO NY 14203-2391

ART UNIT
DETIREND 9 PAPER NUMBER

9

3641

DATE MAILED: 08/22/01

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire one month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6.

Part II SUMMARY OF ACTION

1. Claims 1-19 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims _____ are rejected.

5. Claims _____ are objected to.

6. Claims 1-19 are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

Art Unit: 3641

1. This application was filed under 35 U.S.C. 371.

There is lack of unity under PCT Rule 13 because there is no “special technical feature” common to all the Groups which defines the contribution which each of the inventions makes over the prior art. In the present case, there is no common “special technical feature” because the general inventive concept set forth for example in claims such as claim 1, do not define over the teachings of the prior art set forth in the 11/10/98 IDS (for example, British 849655 or EP 0147147).

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-14, drawn to an invention, classified in class 252, subclass 478.
- II. Claims 15-18, drawn to an invention, classified in class 376, subclass 287.
- III. Claim 19, drawn to an invention, classified in class 376, subclass 260 or class 264, subclass 310.

3. If either invention I or II is elected, applicant is further required under 35 U.S.C. 121 to elect one of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (currently, claim 1 is generic).

- A. The embodiment of Fig. 1.
- B. The embodiment of Fig. 2.
- C. The embodiment of Fig. 3.
- D. The embodiment of Fig. 4.

Art Unit: 3641

E. The embodiment of Fig. 5.

4. If invention II is elected, applicant is further required under 35 U.S.C. 121 to elect one of the following disclosed species for prosecution on the merits to which the claims shall be restricted or no generic claim is finally held to be allowable (currently, claim 1 is generic).

X. Wherein the source is a hot spot in the steam generating circuit of a nuclear-powered steam raising installation.

Y. Wherein the source is a radioactive component retrieved from an area which is contaminated with radiation.

Z. Wherein the source is a part of a gamma radiography device.

5. Upon election of one of the inventions identified above as I-III, applicant is further required under 35 U.S.C. 121 to elect a single specie of the outer polymeric material, for purposes of examination.

This additional requirement is to facilitate examining due to the diverse materials disclosed as suitable (e.g. see the specification on page 10).

6. Applicant is advised that a reply to the election of species requirements, must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Art Unit: 3641

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species, MPEP 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

7. Any inquiry concerning this communication should be directed to Mr. Behrend at telephone number (703) 305-1831.

Behrend/cw
August 13, 2001



**HARVEY E. BEHREND
PRIMARY EXAMINER**